NOTES OF CASES.

Evidence as to Trailing by Dogs.—It is a matter of common knowledge that certain breeds of dogs possess the peculiar faculty of trailing by scent. Proof of such trailing is admitted by the courts only upon the most satisfactory evidence of scenting ability. Rules for laying proper foundation for admission of evidence of trailing by dogs are stated in detail in Fite *v.* State, 84 S. E. 485: "Evidence as to the conduct of dogs in following tracks should not be admitted until after a preliminary investigation, in which it is established that one or more of the dogs in question were of a stock characterized by acuteness of scent and power of discrimination, and had been trained or tested in the exercise of these qualities in the tracking of human beings, and were in the charge of one accustomed to use them. It must also appear that the dogs so trained and tested were laid on a trail, whether visible or not concerning which testimony has been admitted, and upon a track which the circumstances indicate to have been made by the accused. When these preliminary tests have been made, the fact of tracking by a bloodhound may be permitted to go to the jury as one of the circumstances which may tend to connect the defendant with the crime with which he is charged. Should the preliminary investigation disclose either that the dog was not of proper stock or untrained, or not in the charge of a person familiar with such dogs, or was not placed upon a trial connected at least by circumstances with the defendant, the trial court should exclude the entire testimony as to the conduct of the dogs. When such a foundation as that referred to above has been laid, and evidence showing the conduct of the dogs has been received, the jury should be charged, in substance, that before they can consider the conduct of the dogs they must find that the dogs were accurate, certain, and reliable in following the trail of human footsteps, and that if they find this, then the evidence of the conduct of the dogs and its result may be considered, together with all the other evidence in the case, as a circumstance in determining the guilt or innocence of the defendant.

Fire Insurance—Subrogation.—In Fire Assn. of Philadelphia *v.* Wells, in the Court of Errors and Appeals of New Jersey (June, 1915, 94 Atl., 619), it was laid down that "the right of subrogation accruing to an insurance company to recover from a tort-feasor through whose negligence the loss was incurred the amount paid on its policy of insurance is not barred by a settlement between the tort-feasor and the owner for a sum less than the actual liability of the former, and for which the latter gave a full release, for such a release is a fraud upon the subrogee, which will be no defense either at law or

in equity to its action to recover the loss remaining unsatisfied after applying to its satisfaction the sum paid by the tort-feasor."

It was held that "where the subrogee proceeds in the first instance against the insured and in that proceeding it appea s that the damages for which a tort-feasor is liable to an insured exceeds the sum for which the insured settled with him, and that a sufficient sum remains unpaid to satisfy the subrogee, such a conclusion is final between the parties to the record."

Ptomaine Poison in Pie.—A pie was baked and sent forth to its unknown destination by a pie company, and after various stops of short duration found its way to the home of R. P. Parks, who after eating thereof became sick and his death resulted within 24 hours. A judgment for $3,000 was rendered against the pie company because of such death, which was affirmed by the Supreme Court of Kansas in Parks *v.* G. C. Yost Pie Co., 144 Pacific Reporter, 202. In discussing the case it was said: "The degree of care required of a manufacturer or dealer in human food for immediate consumption is much greater by reason of the fearful consequences which may result from what would be slight negligence in manufacturing or selling food for animals. In the latter a higher degree of care should be required than in manufacturing or selling ordinary articles of commerce. A manufacturer or dealer who puts human food upon the market for sale or for immediate consumption does so upon an implied representation that it is wholesome for human consumption. Practically he must know it is fit or take the consequences, if it proves destructive."

Corporation—Right to Inspect Books—Benefit of Rival.—That a stockholder of a corporation also holds stock in a rival corporation, and desires to inspect its books to enable him to ascertain its prices and customers, so that the rival may underbid it and discredit its work to its customers, is held in the Washington case of State ex rel. Gwinn *v.* Bucklin, L. R. A. 1915D, 285, not to deprive him of the benefit of a by-law entitling each stockholder to inspect the books and records of the corporation at any time during business hours.

Insurance—For Benefit of Wife—Effect of Divorce.—The benefit accruing from a policy of life insurance upon the life of a married man, payable upon his death to his wife, naming her, is held in Filley *v.* Illinois L. Ins. Co., L. R. A. 1915D, 130, to be payable to the surviving beneficiary named, although she may have years thereafter secured a divorce from her husband, and he was thereafter again married to one who sustained the relation of wife to him at the time of his death.